

06 MAR 2006

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

International Application No. : PCT/EP2004/000423
International Filing Date : January 20, 2004
U.S. Serial No. : 10/542,769
Deposit Date U.S. Nat'l Phase : July 20, 2005
Priority Date(s) Claimed : January 20, 2003
Applicant(s) : Daniel BUTZKE, et al.

Title: L-AMINO ACID OXIDASE WITH CYTOTOXIC ACTIVITY FROM APLYSIA
PUNCTATA

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 11213-1450

Sir:

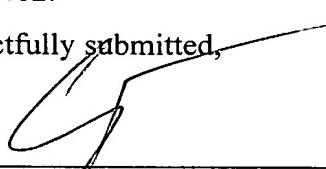
In response to the Notification of Missing Requirements dated December 5, 2005:

- Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of **\$65.00**
- Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. 36554).
- Attached is a copy of the Notification of Missing Requirements.
- Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one month along with the fee of **\$60.00**.
- Applicant(s) are entitled to small entity status.
- Attached is a verified English translation of the PCT publication along with the fee of \$130.00.
- Attached is an Amendment.
- Applicant(s) include the extra claims fee of \$ for claims in excess of 20 per additional claim, for independent claims in excess of 3 per additional claim, and/or for multiple dependent claims.

- Attached is the Sequence Disclosure (paper/disk versions) with the appropriate statement as required
- Attached is an Application Data Sheet (ADS).
- Attached are the substitute drawings as required.

Attached is a check in the amount of **\$125.00**. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402.

Respectfully submitted,



Anthony J. Zelano
Registration No. 27,969
Attorney/Agent for Applicants

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& BRANIGAN, P.C.
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Attorney Docket No.: WEICKM-0046

Date: March 6, 2006

03/08/2006 LLANDBRA 00000014 10542769

01 FC:2617	65.00 DP
02 FC:2251	60.00 DP

CLIENT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

DEC - 8 2005

U.S. APPLICATION NUMBER NO 10/542,769	FIRST NAMED APPLICANT Daniel Butzke	ATTY. DOCKET NO WEICKM-0046
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Anthony J Zelano
MILLEN WHITE ZELANO & BRANIGAN
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard Suite 1400
Arlington, VA 22201

CASE _____
ACTION *MSG Rep Wk 5*
DUE DATE *2/3/06*

Date Mailed: 12/05/2005

INTERNATIONAL APPLICATION NO

PCT/EP04/00423

I.A. FILING DATE 01/20/2004	PRIORITY DATE 01/20/2003
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CONFIRMATION NO. 5398

371 FORMALITIES LETTER



OC000000017577508

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/20/2005
- Copy of the International Search Report filed on 07/20/2005
- Preliminary Amendments filed on 07/20/2005
- Biochemical Sequence Diskette filed on 07/20/2005
- U.S. Basic National Fees filed on 07/20/2005
- Priority Documents filed on 07/20/2005
- Specification filed on 07/20/2005
- Claims filed on 07/20/2005
- Abstracts filed on 07/20/2005
- Drawings filed on 07/20/2005
- Paper nucleotide sequence listings filed on 07/20/2005

CASE _____
ACTION _____
DUE DATE _____

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

*Anthony J Zelano
12/05/05*

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,769	PCT/EP04/00423	WEICKM-0046

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

10/542,769

Source:

PCT

Date Processed by STIC:

07-28-2005

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05): U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05



PCT

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/542,769

DATE: 07/28/2005
TIME: 15:56:56

Input Set : A:\PTO.RJ.txt
Output Set: N:\CRF4\07282005\J542769.raw

```

3 <110> APPLICANT: Max-Planck-Gesellschaft zur Frderung der Wissenschaften
5 <120> TITLE OF INVENTION: L-amino acid oxidase with cytotoxic activity from
6 Aplysia punctata
8 <130> FILE REFERENCE: 29644PWO_2
--> 10 <140> CURRENT APPLICATION NUMBER: US/10/542,769
--> 11 <141> CURRENT FILING DATE: 2005-07-20
13 <150> PRIOR APPLICATION NUMBER: EP03001232.2
14 <151> PRIOR FILING DATE: 2003-01-20
16 <150> PRIOR APPLICATION NUMBER: EP03026613.4
17 <151> PRIOR FILING DATE: 2003-11-19
19 <160> NUMBER OF SEQ ID NOS: 72
21 <170> SOFTWARE: PatentIn Ver. 2.1

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Does Not Comply
Corrected Diskette Needed
(PG-1)

ERRORED SEQUENCES

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1384 <210> SEQ ID NO: 42
1385 <211> LENGTH: 462
1386 <212> TYPE: DNA
1387 <213> ORGANISM: Aplysia
1389 <400> SEQUENCE: 42
--> 1390 taccggcccc gccaccactm ttt caccaggc agaaccaacc tgcgagaagc tgcgttgttg 60
--> 1391 gttcaacgtg gaa aaaaat tcgaaggttc cagaatcggt agtttcaagc tcatccgcct 120
--> 1392 gttcaacagg tcc aagaagt gcaagaaaqnc cc cagtttcc gttctggcg atgtatgagga 180
--> 1393 at cattcggt gtcagtgggtt gttctggcg tttccaggtn t tgctacgaag aacaaacggc 240
--> 1394 gcccgtaca acconccacag aagccccgaa gccagagcca agaagaccca agagggaaaa 300
--> 1395 tttcccaatc aaattttgtt aacactgtatg gtttaatntg acgaccagtg cgtctgcgaa 360
1396 agaatcatgt tatggttcat gatgtcatgc tcttaatata gttttaacgcgaa 420
1397 tacagacatt aaaactcatt gttcaaaaaa aaaaaaaaaa aa 462

```

Pls explain "n"
See also on pg-2
explanation pg-2
explanation pg-2

The type of errors shown exist throughout
the Sequence Listing. Please check subsequent
sequences for similar errors.

VARIABLE LOCATION SUMMARY
PATENT APPLICATION: US/10/542,769

DATE: 07/28/2005
TIME: 15:56:57

Input Set : A:\PTO.RJ.txt
Output Set: N:\CRF4\07282005\J542769.raw

Error Explanation

Use of n's or Xaa's (NEW RULES):

Use of n's and/or Xaa's have been detected in the Sequence Listing.

Use of <220> to <223> is MANDATORY if n's or Xaa's are present.

In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

eq#:42; N Pos. 20,21,58,73,132,150,182,220,254,317,338
eq#:43; Xaa Pos. 7,8,20,25,44,50,58,59,61,74,85,106,107,112,113,132,133
eq#:43; Xaa Pos. 137,145
eq#:44; Xaa Pos. 7,19,24,44,50,61,73,85,106,109,113,127,138
eq#:45; Xaa Pos. 6,7,19,24,33,44,50,60,73,84,105,112,113,133
eq#:49; Xaa Pos. 3
eq#:51; Xaa Pos. 5
eq#:59; N Pos. 17
eq#:63; N Pos. 24,25,29,30,34,35

VERIFICATION SUMMARY
PATENT APPLICATION: US/10/542,769

DATE: 07/28/2005
TIME: 15:56:57

Input Set : A:\PTO.RJ.txt
Output Set: N:\CRF4\07282005\J542769.raw

L:10 M:270 C: Current Application Number differs, Replaced Current Application Number
L:11 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:432 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:3
L:856 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:7
L:1390 M:340 E: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:42
L:340 Repeated in SeqNo=42
L:1411 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:43 after pos.:0
L:341 Repeated in SeqNo=43
L:1454 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:44 after pos.:0
L:341 Repeated in SeqNo=44
L:1497 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:45 after pos.:0
L:341 Repeated in SeqNo=45
L:1579 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:49 after pos.:0
L:1606 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51 after pos.:0
L:1722 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:59
L:1722 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:59
L:1722 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59 after pos.:0
L:1777 M:258 W: Mandatory Feature missing, <221> Tag not found for SEQ ID#:63
L:1777 M:258 W: Mandatory Feature missing, <222> Tag not found for SEQ ID#:63
L:1777 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:63 after pos.:0